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CIVIL AND POLITICAL RIGHTS

The incompatibility of racism with democracy

Report of the High Commissioner for Human Rights

1. The present report is submitted pursuant to Commission on Human Rights resolution 2000/40 of 20 April 2000, in which the Commission urged States to reinforce their commitment to promote tolerance and to fight against racism, racial discrimination, xenophobia and related intolerance as a way to strengthen democracy and transparent and accountable governance, and invited the mechanisms of the Commission and the treaty bodies, in particular the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, to continue to pay particular attention to violations of human rights stemming from the rise of racism and xenophobia in political circles and society at large, especially as regards their incompatibility with democracy.

Preparations for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance

2. The World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance will be held in Durban, South Africa, from 31 August to 7 September 2001. In preparation for the World Conference, five regional expert seminars were held in 2000 with the overarching theme, "Trends, priorities and obstacles in combating racism and racial discrimination". Each seminar addressed a specific sub-theme, as follows:

Remedies available for victims of racial discrimination, Geneva, 16-18 February 2000;

Protection of minorities and other vulnerable groups and strengthening human rights capacity at the national level, Warsaw, 5-7 July 2000;

Migrants and trafficking in persons with particular reference to women and children, Bangkok, 5-7 September 2000;

Prevention of ethnic and racial conflicts, Addis Ababa, 4-6 October 2000;

Economic, social and legal measures to combat racism, with particular reference to vulnerable groups, Santiago, 25-27 October 2000

3. Two regional intergovernmental meetings were also organized in Strasbourg from 11 to 13 October 2000 and at the end of February 2001 in Santiago. Two more are planned, in Dakar and Tehran.

Treaty bodies

4. Attention to non-discrimination, as a fundamental rule of international human rights law, infuses the work of the Committee on Economic, Social and Cultural Rights, the Human Rights Committee, the Committee on the Elimination of Racial Discrimination, the Committee on the Elimination of Discrimination against Women and the Committee against Torture.

5. For the first session of the Preparatory Committee of the World Conference, held in Geneva from 1 to 5 May 2000, the Committee on Economic, Social and Cultural Rights submitted a document (A/CONF.189/PC.1/14) in which it reaffirmed the importance of education in the fight against racism and racial discrimination.

6. The Human Rights Committee has undertaken to prepare a General Comment dealing with the implications of the International Covenant on Civil and Political Rights with regard to racial discrimination. As a preliminary step, the Committee has assembled extracts of concluding observations dealing with racist issues and summaries of the Committee's views on two communications examined under the Optional Protocol to the Covenant.

7. The Committee against Torture, in reviewing States parties' reports, has repeatedly expressed alarm at the use of torture and other cruel, inhuman or degrading treatment or punishment against vulnerable groups, including national and ethnic minorities, asylum-seekers, refugees and non-citizens. The Committee has noted that torture and ill-treatment can occur more easily in societies that tolerate discrimination of any kind. As its contribution to the World Conference, the Committee has submitted its concerns and recommendations for action aimed at suppressing torture and cruel, inhuman or degrading treatment or punishment that result from racism, xenophobia and discrimination.

8. The Committee on the Elimination of Racial Discrimination has prepared a comprehensive document containing, inter alia, recommendations on: the five themes of the World Conference; cooperation of States with international, regional and subregional bodies; measures to be taken in favour of ethnic minorities; and early warning and preventive measures. The Committee has included a compilation of best practices by States to protect and promote the rights of persons belonging to different national, ethnic, racial or other groups. During its fifty-seventh session (31 July - 25 August 2000), the Committee held a two-day thematic discussion on the issue of discrimination against Roma people. The Committee adopted a general recommendation which, inter alia, urges States parties to take measures to prevent racial violence against Roma people and to improve their standards of living.

Special procedures

9. The Special Rapporteur on the right to education, in her preliminary report submitted in accordance with Commission on Human Rights resolution 1998/33 (E/CN.4/1999/49 of 13 January 1999), noted that "a focus on human rights education provides an opportunity to balance the previously prohibitory approach in international human rights law by a constructive one. A great deal of effort has targeted the prohibition of incitement to discrimination through prejudicial portrayal of racial or ethnic minorities, or migrants, or women and girls". She also noted a number of projects aimed at the revision of existing curricula and textbooks or the creation of new ones so as to convey positive images rather than merely prohibiting negative ones.

10. The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, in his report to the Commission on Human Rights (E/CN.4/2001/16), calls for special attention to the Roma, to ensure their full integration into their respective societies.

11. The Special Rapporteur on the human rights of migrants, in her report (E/CN.4/2000/82) has noted that the core of the problem lies in everyday customs, which is where the primary manifestations take place and where they are the most ingrained. Such customs are linked to a number of forms of behaviour that must be rooted out by taking specific and determined action to promote human rights and democracy.

12. The Working Group on Indigenous Populations, in its latest report (E/CN.4/Sub.2/2000/24 of 17 August 2000) made several recommendations for the full and active participation of indigenous representatives in the World Conference and its preparatory process, with a view to ensuring that the concerns of indigenous peoples are given due exposure. The Working Group believes that, amongst other things, the World Conference could contribute concrete suggestions for combating all forms of racism and racial discrimination against indigenous peoples.